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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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CHRIS SEVIER, JOHN GUNTER JR., and  
WHITNEY KOHL,

Plaintiffs,

v.

BRYAN E. THOMPSON, in his official capacity as Clerk of Utah County; GARY R. HERBERT, in his official capacity as Governor of Utah; and SEAN REYES, in his official capacity as Attorney General of Utah,

Defendants.

**MEMORANDUM DECISION AND ORDER ADOPTING REPORT AND RECOMMENDATION**

Case No. 2:16-cv-00659-DN

District Judge David Nuffer

The Report and Recommendation issued by United States Magistrate Judge Furse on January 26, 2018 recommends Plaintiffs' Amended Complaint<sup>1</sup> be dismissed for lack of standing and the Motion to Amend<sup>2</sup> be denied as futile for the same reasons.<sup>3</sup>

The parties were notified of their right to file objections to the Report and Recommendation within 14 days of its service pursuant to [28 U.S.C. § 636](#) and [Fed. R. Civ. P. 72](#). On February 8, 2018, Plaintiffs filed a Motion for Extension of Time.<sup>4</sup> The Plaintiffs' Motion for Extension of Time was granted and the deadline to file objections to Magistrate Judge Furse's Report and Recommendation was extended to February 20, 2018.<sup>5</sup> No party filed a

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<sup>1</sup> Second Amended Complaint for Injunctive Relief, [docket no. 46](#), filed May 2, 2017.

<sup>2</sup> [Docket no. 93](#), filed December 12, 2017.

<sup>3</sup> Report and Recommendation RE: Defendants' Motion to Dismiss, [docket no. 109](#), filed January 26, 2018.

<sup>4</sup> [Docket no. 113](#), filed February 8, 2018.

<sup>5</sup> Order Granting Motion for Additional Time to File, [docket no. 115](#), filed February 12, 2018.

written objection to the Report and Recommendation by the deadline. On February 26, 2018, Plaintiffs John Gunter, Jr. and Whitney Kohl filed objections.<sup>6</sup> These objections are untimely and will not be considered. Therefore, the analysis and conclusion of the Magistrate Judge are accepted and the Report and Recommendation<sup>7</sup> is adopted in its entirety.

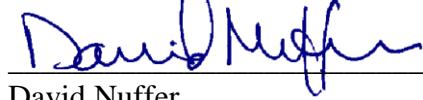
## **ORDER**

IT IS HEREBY ORDERED that the Report and Recommendation<sup>8</sup> is ADOPTED and this case is DISMISSED without prejudice.

The Clerk is directed to close the case.

Dated March 16, 2018.

BY THE COURT:

  
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David Nuffer  
United States District Judge

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<sup>6</sup> Plaintiff Gunter's Motion to Overrule the Magistrate's Report and Recommendation, [docket no. 118](#), filed February 26, 2018. Plaintiff Kohl's Motion to Overrule the Magistrate's Report and Recommendation, [docket no. 119](#), filed February 26, 2018.

<sup>7</sup> [Docket no. 109](#), filed January 26, 2018.

<sup>8</sup> *Id.*